

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IVERSON,

Plaintiff,

v.

SURBER *et al.*,

Defendant.

13-CV-633

ORDER

Ronnie Abrams, United States District Judge:

The Court is in receipt of the attached letter from Mr. Iverson in which he appears to express dissatisfaction with his state court criminal proceedings. This Court, a federal court, lacks appellate authority over the state court proceedings that Mr. Iverson takes issue with. *See generally* 18 U.S.C. § 3231. The Clerk of Court is respectfully directed to mail a copy of this order to Mr. Iverson.

SO ORDERED.

Dated: May 22, 2024  
New York, New York

A handwritten signature in blue ink, appearing to be 'RA', is written over a horizontal line.

Ronnie Abrams  
United States District Judge

To: RONNIE ABRAMS

40 Foley Square

NEW YORK NEW YORK 10007

Room 1306

United States District Court

April - 22 - 24

From: LANCE TUCKER / 0610295

13CV 633

Greenhaven Correctional Facility

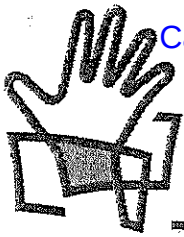
Poughkeepsie NEW YORK 12582

P.O. Box 4000

Dear MS. ABRAMS (Honorable)

Hopefully Everything is Blessed and well with you.  
As for me Just Striving To Be Having as I Do Time for  
This wrongful conviction, Honorable I know That This is not your  
line of work but I Just wanted To Share with you my  
Grand's from college, and with 12 more credits, I will Graduate  
with my Associate Degree, in individual Studies. So again I'm Striving

But if you have Time and can Just look over These constant Denials  
That I'm Getting from This Lower court I did not do This crime and  
Several witness is saying That But Still I Have no merit. Every  
Issue I present in front of The Lower court's warrant my Release  
After Being wrongfully convicted over 21-years and Justice RODRIGUEZ sum  
To properly <sup>be</sup> looking over These Issues, It's Really unfair MS. ABRAMS



# Hudson Link

for Higher Education in Prison

hudsonlink.org

Dear Student,

Congratulations on completing another academic semester. We know it was not an ideal semester but, we made it through and will try to avoid many of the issues we ran into this semester. Below, are your grades for the Fall '23 semester. Enjoy the Holidays as best as you can, rest because we'll be back at it on January 16<sup>th</sup>.

EN 211 - \_\_\_\_\_

PL 103 - \_\_\_\_\_

HI 103 - \_\_\_\_\_

PY 203 - \_\_\_\_\_

CS 116 - \_\_\_\_\_

PL 101 - B-

PY 205 - \_\_\_\_\_

SO 207 - A

HS 103 - \_\_\_\_\_

HI 115 - \_\_\_\_\_

SA 101 - I

CE 101 - \_\_\_\_\_

EN 101 - \_\_\_\_\_

*These ARE MY GRADES FROM  
college RIGHT NOW*

Thank You,  
Lee Cruceta  
Academic Coordinator, Hudson Link

*E. IVANKOV*



# Hudson Link

for Higher Education in Prison

hudsonlink.org

Dear Students,

Congratulations on finishing the first part of your summer courses. The semester will officially end on August 17<sup>th</sup>. I plan to have our fall courses in order and a registration date by mid July. Below are your grades for the 6 weeks courses:

PS 130

A

EN 102

B+

Thank you,  
Lee Cruceta  
Academic Coordinator  
Hudson Link

*L. IVERSON*



# Hudson Link

for Higher Education in Prison

[hudsonlink.org](http://hudsonlink.org)

Dear Student,

5/15/2023

I want to commend you on another great semester. I hope you all enjoyed the graduation ceremony and had a chance to envision yourselves in the same position in the very near future. I'm here to help guide you all and if there is an academic issue that I can help you with, please write and address your concerns to me specifically. Looking forward to another great semester, go get it guys!

Thank you,  
Lee Cruceta  
Academic Coordinator

HI 104 B+

CO 102 \_\_\_\_\_

PY 101 \_\_\_\_\_

HI 103 \_\_\_\_\_

CO 104 \_\_\_\_\_

EN 101 \_\_\_\_\_

SO 101 A

HI 209 \_\_\_\_\_

HS 103 A-

SL110 \_\_\_\_\_

BU 103 \_\_\_\_\_

*E. Iverson*



# Hudson Link

for Higher Education in Prison

[hudsonlink.org](http://hudsonlink.org)

Dear Student,

5/15/2023

I want to commend you on another great semester. I hope you all enjoyed the graduation ceremony and had a chance to envision yourselves in the same position in the very near future. I'm here to help guide you all and if there is an academic issue that I can help you with, please write and address your concerns to me specifically. Looking forward to another great semester, go get it guys!

Thank you,  
Lee Cruceta  
Academic Coordinator

HI 104\_\_\_\_\_

CO 102\_\_\_\_\_

PY 101\_\_\_\_\_

HI 103\_\_\_\_\_

CO 104\_\_\_\_\_

EN 101 B\_\_\_\_\_

SO 101\_\_\_\_\_

HI 209\_\_\_\_\_

HS 103\_\_\_\_\_

SL110\_\_\_\_\_

BU 103\_\_\_\_\_

*E. Iverson*



# Hudson Link

for Higher Education in Prison

hudsonlink.org

Dear Student,

12/24/2022

I want to commend you and thank you for staying focused and doing a great job with your courses.

I plan to be back and in the facility on a regular basis starting the first week of January.

Below are your grades for the fall semester.

Thank you,  
Lee Cruceta  
Academic Coordinator

SA 102 \_\_\_\_\_

CO 207 \_\_\_\_\_

PL 102 \_\_\_\_\_

HI 103 B+

HU 113 \_\_\_\_\_

EN 102 \_\_\_\_\_

PY 101 A

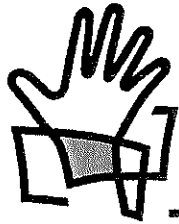
PY 203 \_\_\_\_\_

HS 103 \_\_\_\_\_

HI 209 \_\_\_\_\_

CJ 102 \_\_\_\_\_

*E. IVERSON*



# Hudson Link

for Higher Education in Prison

hudsonlink.org

Dear Student,

8/28/2023

I want to commend you and thank you for staying focused and doing a great job with your courses. We had a couple of course changes and it was too late to find a professor to jump in but, we'll get back on track for the spring semester.

Below are your grades for the summer semester.

Thank you,  
Lee Cruceta  
Academic Coordinator

CS 116 \_\_\_\_\_

CI 105 \_\_\_\_\_

BU 103 \_\_\_\_\_

MK 101 A

MA 103 \_\_\_\_\_

HI 114 \_\_\_\_\_

PY 101 \_\_\_\_\_

PL 103 \_\_\_\_\_

SO 102 A

*E. Iversen*



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF Kings

-----X  
THE PEOPLE OF THE STATE OF NEW YORK,

Respondent,

**NOTICE OF MOTION  
TO SET ASIDE  
ILLEGAL SENTENCE**

against

Ind. 1703/2003

ERNEST LIVERSON

Defendant

-----X

PLEASE TAKE NOTICE, that based on the affidavit of ERNEST LIVERSON

sworn to on the \_\_\_\_ day of \_\_\_\_\_, 2024, the hereto annexed exhibits, and all prior proceedings, the undersigned will move the Kings County Court, located at 320 Jay Street Brooklyn New York, on the \_\_\_\_ day of \_\_\_\_\_, 2024, for an order to vacate the conviction of 125.25 rendered against ERNEST LIVERSON pursuant to Criminal Procedure Law 440.20 to vacate illegal sentence.

Also for an order to produce the defendant at any evidentiary hearing had in relation to the motion herein pursuant to CPL 440.30;

*This is a motion that's  
Being Heard on 5/15/24*

PLEASE TAKE FURTHER NOTICE, that any opposition be served upon Mr. ERNEST TURNER at least seven days prior to the appointed due date in accordance with CPLR 2214(b) so that a reply brief can be filed.

DATED: MARCH - 18 -, 2024

RESPECTFULLY SUBMITTED

E. TURNER

TO: Kings County District Attorney

350 The Street

Brooklyn NEW YORK 11201-2908

Office of The District Attorney

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF Kings-----X

THE PEOPLE OF THE STATE OF NEW YORK,

Respondent,

AFFIDAVIT IN SUPPORT  
OF MOTION TO SET  
ASIDE THE SENTENCE

against

Ind. 1/03/2003

ERNEST LIVERSON

Defendant.

STATE OF NEW YORK )  
COUNTY OF Kings )

SS.:

I, ERNEST LIVERSON, the above captioned defendant, having being duly sworn  
says the following:

1. I make this affidavit in support of a motion pursuant to CPL §440.20 to vacate the  
judgment upon the grounds that: the sentence is illegal .

2. I was indicted for murder/attempted murder. At the arraignment I entered a plea  
of not guilty and did not post bail that was set in the amount of \$ \_\_\_\_\_. I was  
(tried/plead guilty) in this court before the Hon. WILLIAM E. LOTT on 7/8/05. The case  
was submitted to a jury, which rendered a verdict of guilty.

3. After trial I was found guilty of PL. 125.25 (1) PL. 120.10 (3) PL. 120.10 (2)  
PL. 265.13 of the indictment (No.  
1/03/2003).

4. I was then sentenced by Hon. WILLIAM E. LOTT to a prison term of  
45 to life.

5. The reason(s) why I am entitled to relief is BECAUSE I'M SENTENCE TO A TERM  
OUTSIDE OF THE SENTENCING GUIDELINES FOR A SECOND FELONY OFFENDER. ALSO  
ACCORDING TO MICHIGAN'S C.P.A. RULE 45.41, PROCEEDING BEFORE JUSTICE  
OF THE PEACE, IS NOT CORRECT AND NOT AUTHENTICATED VOT (EXHIBIT A)

6. The facts that support these claims include (raised below) MY UNIFORM SENTENCE  
AND COMMITMENT PAPERS ENCLOSED (EXHIBIT A) STATE THAT I'M A SECOND FELONY  
OFFENDER, BUT I DIDN'T HAVE A SECOND FELONY OFFENSE HOPING. I'M HAVING  
A PREDICATE VIOLENT FELONY HOPING, WHICH WOULD MAKE MY SENTENCE NOW  
ILLEGAL! (EXHIBIT B) PAGE 2 ARE MY SENTENCING MINUTES THAT SHOW'S  
IM BEING ARRIGNED AS A PREDICATE, NOT AS A SECOND FELONY OFFENDER  
WHICH IS STATED IN THE UNIFORM SENTENCE AND COMMITMENT PAPERS.  
CLEARLY SHOWING SOMETHING IS WRONG AND ILLEGAL HERE, WHICH WARRANTS  
RE-SENTENCING

7. The ground(s) for relief described by this affidavit has (have) not been previously determined on the merits on a prior proceeding or motion in a court in this state other than an appeal from the judgment, or upon a prior motion or proceeding in a federal court.

**WHEREFORE**, I respectfully request that this Court enter an order, pursuant to section 440.20 of the Criminal Procedure Law, vacating the judgment and order the dismissal of the indictment or in the alternative, order an evidentiary hearing and grant such and further relief as this Court may deem just and proper.

DATED: MARCH 15, 2024

RESPECTFULLY SUBMITTED

*F. Gerson*

SWORN TO BEFORE ME THIS  
\_\_\_\_ DAY OF \_\_\_\_\_, 2024

\_\_\_\_\_  
NOTARY PUBLIC

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK       )  
  )  
COUNTY OF Kings       )       ss:

EWLETT LIVERSON, being duly sworn, deposes and says:

I am the above-mentioned defendant/petitioner and I have served a copy of the following papers:

**Motion to Set Aside Illegal Sentence**

Upon the following party(ies):

Office of The District Attorney  
Kings County  
380 Jay Street  
Brooklyn New York 11201-2908

Supreme Court of Kings County  
380 Jay Street  
Brooklyn New York 11201-2908

by placing the above in a post-paid envelope and depositing it in a United States Postal Service mailbox located at Green Haven Correctional Facility, Stormville, NY 12582 on the 18<sup>th</sup> day of MARCH, 2024, as due and sufficient service.

E. Liverson

SWORN TO BEFORE ME THIS

\_\_\_\_ DAY OF \_\_\_\_\_, 2024

\_\_\_\_\_  
NOTARY PUBLIC



## UNIFORM SENTENCE &amp; COMMITMENT

UCS 854(7/05)

STATE OF NEW YORK SUPREME COURT: COUNTY OF KINGS  
HON: P. LOTTCOURT REPORTER: E. NERITHE PEOPLE OF THE STATE OF NEW YORK  
VSIndictment/SCI No: 1703-2003

Indictment/SCI Charge(s): Law/Sec. &amp; Subdivision

ERNEST IVERSON1 MUR 2°PL 125.25(1)2 MUR 2°PL 125.25(2)3 ASLT 1°PL 120.10(3)SEX BOB NYSIDCriminal Justice Tracking # Date of offense: 9-7-02THE ABOVE NAMED DEFENDANT HAVING BEEN CONVICTED OF AND SENTENCED FOR A (FELONY) (MISD) BY (PLEA)  
(VERDICT) FOR THE CRIME(S) OF:

	Crime	# Of Counts	Law/Section & Subdivision	Hate/Terrorism	Min. Period	Max. Term	Definite/Determinate	Post Rel. Superv.
1.	<u>MUR 2°</u>	<u>1</u>	<u>PL 125.25(1)</u>		<u>25 YRS</u>	<u>LIFE</u>		
2.	<u>ASLT 1°</u>	<u>1</u>	<u>PL 120.10(3)</u>				<u>20 YRS</u>	<u>5 YRS</u>
3.	<u>ASLT 1°</u>	<u>2</u>	<u>PL 120.10(3)</u>				<u>8 YRS</u>	<u>5 YRS</u>
4.	<u>CPW 2°</u>	<u>1</u>	<u>PL 265.13</u>				<u>10 YRS</u>	<u>5 YRS</u>
5.								

Convicted as a Juvenile Offender Age at time crime committed

Convicted as an armed felon

The sentence(s) imposed herein shall run:

Concurrently with: CT 3 ASLT 1° (2CTS) + CT 4 CPW 2°Consecutively to: CT 1 MUR 2° + CT 2 ASLT 1°

Adjudicated a YOUTHFUL OFFENDER

Adjudicated in VIOLATION OF PROBATION

EXECUTE AS A SENTENCE OF PAROLE SUPERVISION (CPL 410.91)

Court certified the Defendant a Sex Offender (Cor. L 163-d)

As a (second) (second drug) (second drug/prior vfo) (persistent) (violent) (second child sexual assault) felony offender

Mandatory Surcharge (paid) (not paid)

\$ 200 -

Crime Victim Assistance Fee (paid) (not paid)

Fine (paid) (not paid)

\$

Restitution (paid) (not paid)

DNA Fee (paid) (not paid)

\$

Sex Offender Registration Fee (paid) (not paid)

DWI/Other (paid) (not paid)

\$

Supplemental Sex Off. Victim Fee (paid)

THE SAID DEFENDANT BE AND HEREBY IS COMMITTED TO THE CUSTODY OF THE:

NYS Department of Correctional Services (NYSDOCS) until released in accordance with the law, and be older not presently in the custody of NYSDOCS (the County Sheriff) (New York City Department of Correction) the custody of NYSDOCS as provided in 7 NYCRR Part 103.

NYSDOCS until released in accordance with the law, and being a person sixteen (16) years or older and NYSDOCS, said defendant shall remain in the custody of the NYSDOCS.

NYS Office of Children and Family Services in accordance with the law being a person less than sixteen was committed.

County Jail (correctional facility)

TO BE HELD UNTIL THE JUDGMENT OF THIS COURT IS SATISFIED.

REMARKS:

Amended Commitment

Original Sentence Date

Order of Protection Attached YES NO

1-3-06

Date

NANCY T. SUNSHINE

Clerk of the Court

by:

Signature

SCC

Title

McKinney's Consolidated Laws of New York Annotated  
Civil Practice Law and Rules (Refs & Annos)  
Chapter Eight. Of the Consolidated Laws  
Article 45. Evidence (Refs & Annos)

McKinney's CPLR Rule 4541

Rule 4541. Proof of proceedings before justice of the peace

Currentness

(a) **Of the state.** A transcript from the docket-book of a justice of the peace of the state, subscribed by him, and authenticated by a certificate signed by the clerk of the county in which the justice resides, with the county seal affixed, to the effect that the person subscribing the transcript is a justice of the peace of that county, is prima facie evidence of any matter stated in the transcript which is required by law to be entered by the justice in his docket-book.

(b) **Of another state.** A transcript from the docket-book of a justice of the peace of another state, of his minutes of the proceedings in a cause, of a judgment rendered by him, of an execution issued thereon or of the return of an execution, when subscribed by him, and authenticated as prescribed in this subdivision is prima facie evidence of his jurisdiction in the cause and of the matters shown by the transcript. The transcript shall be authenticated by a certificate of the justice to the effect that it is in all respects correct and that he had jurisdiction of the cause; and also by a certificate of the clerk or prothonotary of the county in which the justice resides, with his official seal affixed, to the effect that the person subscribing the certificate attached to the transcript is a justice of the peace of that county.

**Credits**

(Formerly § 4541, L.1962, c. 308. Redesignated L.1962, c. 315, § 1.)

**Editors' Notes**

**HISTORICAL AND STATUTORY NOTES**

**Derivation**

C.P.A.1920, § 387; § 394 amended L.1941, c. 879.

C.C.P.1876, § 939; § 940 amended L.1877, c. 416; §§ 948-951.

**PRACTICE COMMENTARIES**

by Vincent C. Alexander

Whereas the provisions of CPLR 4540(a)-(c) prescribe methods of self-authentication for copies of public records in general, CPLR 4541 is confined to transcripts of proceedings before justices of the peace of New York (subdivision (a)) and of other states (subdivision (b)). (In New York, the title "justice of the peace" became "town justice" under § 103 of the Uniform Justice Court Act. See *People v. Fatsis*, 1999, 180 Misc.2d 172, 688 N.Y.S.2d 378 (N.Y.Just.Ct.)). CPLR 4541 provides for self-authentication of the transcripts and creates a hearsay exception for the contents of the transcripts.

As noted in Mr. Sklar's original Practice Commentary on this rule, the transcript from the docket book of a justice of the peace of another state, when certified as prescribed by subdivision (b), is prima facie evidence both of the justice's "jurisdiction in the cause" and of "the matters shown by the transcript." Under subdivision (a), on the other hand, the transcript from the docket book of a New York justice of the peace is not per se evidence of the justice's jurisdiction



*Exhibit - B*

Page 1

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS : CRIMINAL TERM : PART 37

-----x  
THE PEOPLE OF THE STATE OF NEW YORK  
-against-

ERNEST IVERSON,

DEFENDANT.

-----x  
Indict. No. 1703/03                      320 Jay Street  
SENTENCE                                  Brooklyn, New York  
January 3, 2006

B E F O R E :

HONORABLE PLUMMER E. LOTT,

Justice.

A P P E A R A N C E S:

OFFICE OF CHARLES J. HYNES, ESQ.  
DISTRICT ATTORNEY - KINGS COUNTY  
RENAISSANCE PLAZA  
BROOKLYN, NEW YORK 11201  
BY: ROBERT WALSH, ESQ.

ITA PARNESS, ESQ.  
For Defendant Phillips

LAWRENCE E. WRIGHT, ESQ.  
For Defendant Iverson

*Exhibit of my Sentencing  
Minutes, AND why I'm Being  
Arrested AS A predicate*

ELLEN DOHERTY NERI, C.R.  
PRINCIPAL COURT REPORTER

EDN

da611b83-d65b-4a24-b1c6-3f62ced44

Sentence

Page 2

1 THE CLERK: This is five and six, Ernest Iverson  
2 and Tarik Phillips.

3 Defendants on for sentence.

4 MR. WRIGHT: Lawrence E. Wright, 32 Court Street.

5 MR. WALSH: For the People, Robert Walsh.

6 Good afternoon.

7 MS. PARNES: Ita, I-T-A, P-A-R-N-E-S-S, 32 Court  
8 Street, for defendant Phillips.

9 THE COURT: I have read counsel's motions  
10 addressing the sufficiency of the evidence.

11 I have the Court's decision upstairs.

12 Both sides can pick it up this afternoon.

13 Those motions, denied.

14 THE COURT: Let's arraign them as predicates,  
15 please.

16 THE CLERK: Sure, both at the same time or one at  
17 a time.

18 THE COURT: Let's try to do them both at the same  
19 time.

20 (Handing predicate felony statements).

21 THE COURT: Neither he nor Mr. Phillips spoke to  
22 Probation.

23 That doesn't preclude them from making a statement  
24 here. They were given an opportunity to speak to  
25 probation and did not do so.

EDN

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## Sentence

Page 3

1 THE CLERK: Mr. Phillips, you have been provided  
2 with a statement by the District Attorney according to  
3 Article 400 of the Criminal Procedure Law and 70 of the  
4 Penal Law which states you have been convicted on a  
5 prior felony; to wit, attempted robbery in the third  
6 degree, on February 27, 2002 in Kings County under  
7 3845/2001.

8 You may admit, deny or stand mute as to whether  
9 you were the person convicted and sentenced on this  
10 prior felony.

11 If you wish to controvert that statement on any  
12 grounds, including a violation of your constitutional  
13 rights, you must state the grounds and you will be  
14 entitled to a hearing before this Court without a jury.

15 MR. WRIGHT: Excuse me. Can the cuffs be removed.

16 THE COURT: I'm sorry.

17 Yes.

18 (Removing handcuffs.).

19 THE CLERK: Mr. Phillips, have you received a copy  
20 of the statement?

21 THE DEFENDANT: Yes.

22 THE CLERK: Have you discussed this matter with  
23 your attorney?

24 THE DEFENDANT: Not yet.

25 THE COURT: Why don't you do so.

EDN

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## Sentence

Page 4

1 Speak to him about the predicate statements.

2 Ms. Parness, you and your client may sit down,  
3 please.

4 (Discussion with client, attorney Wright).

5 (Discussion with client, attorney Parness).

6 THE CLERK: Mr. Phillips, have you discussed this  
7 matter with your attorney?

8 THE DEFENDANT: Yes, I did.

9 THE CLERK: Do you admit you are the person  
10 convicted and sentenced on that statement as recited in  
11 the statement?

12 THE DEFENDANT: Yes.

13 THE CLERK: Do you wish to challenge that  
14 statement on any Constitutional grounds?

15 THE DEFENDANT: No.

16 THE COURT: Adjudicated a predicate with respect  
17 to the attempted robbery in the third degree.

18 THE CLERK: Mr. Iverson, you have been provided ..  
19 with a statement by the District Attorney. According  
20 to Article 400 of the Criminal Procedure Law and 70 of  
21 the Penal Law, which states you have been convicted and  
22 sentenced on a prior felony; to wit, attempted criminal  
23 sale of a controlled substance in the third degree, a  
24 Class C nonviolent felony on August 11, 2000, Kings  
25 County under 5979/2000.

EDN

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## Sentence

Page 5

1           You may admit, deny or stand mute as to whether  
2           you were the person convicted and sentenced on that  
3           felony as recited in the statement.

4           If you wish to controvert that statement on any  
5           grounds, including a violation of your constitutional  
6           rights, you must state the grounds, and you will be  
7           entitled to a hearing before this Court without a jury.

8           Have you received a copy of the statement?

9           THE DEFENDANT: Yes.

10          THE CLERK: Have you discussed this matter with  
11          your attorney?

12          THE DEFENDANT: Yes.

13          THE CLERK: Do you admit you were the person  
14          convicted and sentenced on that felony?

15          THE DEFENDANT: Yes.

16          THE CLERK: Do you wish to challenge the  
17          constitutionality of that conviction?

18          THE DEFENDANT: No.

19          THE COURT: Adjudicated.

20          THE CLERK: Is there any imposed at this time?

21          MS. PARNES: No.

22          THE CLERK: Is Ms. Parness your attorney?

23          THE DEFENDANT: Yes.

24          THE CLERK: Before sentence is pronounced, you are  
5          advised that you, your attorney, and the Assistant

EDN

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STATE OF NEW YORK  
UNIFIED COURT SYSTEM  
SECOND JUDICIAL DISTRICT, SUPREME COURT  
320 JAY STREET  
BROOKLYN, NEW YORK 11201

Date: 04/03/24

ERNEST IVERSON  
GREEN HAVEN CORRECTIONAL FACILITY  
P.O. BOX 4000  
STORMVILLE, N.Y. 12589  
DIN: 06A0295

Re: ERNEST IVERSON

Indictment: 1703-2003

Motion: TO SET ASIDE SENTENCE 440.20

☐ Your motion has been placed on the Miscellaneous Motion Calendar for \_\_\_\_\_

☒ Your motion has been referred to Justice RODRIGUEZ PART 12 FOR 5-15-2024

☐ Your MOTION was \_\_\_\_\_

Other: \_\_\_\_\_

*MR. Rodriguez is never  
Answering questions at  
Issue also not giving  
Denials That goes against  
The new 440. Rules of the  
Court*

Criminal Term  
Motion Department



STATE OF NEW YORK  
UNIFIED COURT SYSTEM  
SECOND JUDICIAL DISTRICT, SUPREME COURT  
320 JAY STREET  
BROOKLYN, NEW YORK 11201

Date: 03/25/24

ERNEST IVERSON  
DIN:06A0295  
GREENHAVEN CORRECTION FACILITY  
594 RT. 216 PO BOX 4000  
STORMVILLE, NEW YORK 12582

Re: ERNEST IVERSON

Indictment: 1703-2003

Motion: TO SET ASIDE SENTENCE 440.20

- ☐ Your motion has been placed on the Miscellaneous Motion Calendar for \_\_\_\_\_
- ☐ Your motion has been referred to Justice \_\_\_\_\_
- ☒ Your motion was **DENIED** by Justice \_\_\_\_\_

Other: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Criminal Term  
Motion Department



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS  
CRIMINAL TERM CLERK'S OFFICE  
320 JAY STREET  
BROOKLYN, NEW YORK 11201

NOTICE OF RIGHT TO APPEAL FOR A CERTIFICATE  
GRANTING LEAVE TO APPEAL

To: ERNEST IVERSON

Date: 3-25-2024

Indictment No: 1703-2003

Your motion pursuant to article 440 of the Criminal Procedure Law was denied by  
Justice RODRIGUEZ

Your right to an appeal from the order determining your motion is not automatic except in the single instance where the motion was made under CPL 440.30 (1 -a) for forensic DNA testing of evidence. For all other motions under article 440, you must apply to a Justice of the Appellate Division for a certificate granting leave to appeal. This application must be filed within 30 days after your being served by the District Attorney or the court with the court order denying your motion.

The application must contain your name and address, indictment number, the questions of law or fact which YOU believe ought to be reviewed and a statement that no prior application for such certificate has been made. You must include a copy of the court order and a copy of any opinion of the court. In addition, you must serve a copy of your application on the District Attorney.

APPELLATE DIVISION, 2<sup>nd</sup> Department  
45 Monroe Place  
Brooklyn, NY 11201

KINGS COUNTY SUPREME COURT  
Criminal Appeals  
320 Jay Street  
Brooklyn, NY 11201

KINGS COUNTY DISTRICT ATTORNEY  
Appeals Bureau  
350 Jay Street  
Brooklyn, NY 11201

Mot. 9-3-2009





STATE OF NEW YORK  
UNIFIED COURT SYSTEM  
SECOND JUDICIAL DISTRICT, SUPREME COURT  
320 JAY STREET  
BROOKLYN, NEW YORK 11201

Date: 11/20/23

ERNEST IVERSON  
DIN: 06A0295  
GREEN HAVEN CORRECTIONAL FACILITY  
P.O. BOX 4000  
STORMVILLE, NY 12582

Re: ERNEST IVERSON

Indictment: \_\_\_\_\_

Motion: 440.20 MOTION

☐ Your motion has been placed on the Miscellaneous Motion Calendar for \_\_\_\_\_

☐ Your motion has been referred to Justice \_\_\_\_\_

☒ Your motion was DENIED by Justice \_\_\_\_\_

Other: PLEASE SEE ATTACHED

Criminal Term  
Motion Department

*McKINNEY'S PENAL LAW 40.00*



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS  
CRIMINAL TERM CLERK'S OFFICE  
320 JAY STREET  
BROOKLYN, NEW YORK 11201

NOTICE OF RIGHT TO APPEAL FOR A CERTIFICATE  
GRANTING LEAVE TO APPEAL

To: ERNEST IVERSON

Date: 11-20-2023

Indictment No: 1703-2003

Your motion pursuant to article 440 of the Criminal Procedure Law was denied by  
Justice RODRIGUEZ

Your right to an appeal from the order determining your motion is not automatic except in the single instance where the motion was made under CPL 440.30 (1 -a) for forensic DNA testing of evidence. For all other motions under article 440, you must apply to a Justice of the Appellate Division for a certificate granting leave to appeal. This application must be filed within 30 days after your being served by the District Attorney or the court with the court order denying your motion.

The application must contain your name and address, indictment number, the questions of law or fact which YOU believe ought to be reviewed and a statement that no prior application for such certificate has been made. You must include a copy of the court order and a copy of any opinion of the court. In addition, you must serve a copy of your application on the District Attorney.

APPELLATE DIVISION, 2<sup>nd</sup> Department  
45 Monroe Place  
Brooklyn, NY 11201

KINGS COUNTY SUPREME COURT  
Criminal Appeals  
320 Jay Street  
Brooklyn, NY 11201

KINGS COUNTY DISTRICT ATTORNEY  
Appeals Bureau  
350 Jay Street  
Brooklyn, NY 11201

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